



UNITED STATES PATENT AND TRADEMARK OFFICE

08 DEC 2005

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Henry D. Coleman
Coleman Sudol Sapone, P.C.
714 Colorado Avenue
Bridgeport, CT 06605-1601

In re Application of	:	
Obeidat et al.	:	
Serial No.: 10/538,859	:	DECISION ON
PCT No.: PCT/US03/37744	:	PETITION
Int. Filing Date: 24 November 2003	:	UNDER 37 CFR 1.137(b)
Priority Date: 27 November 2002	:	
Attorney's Docket No.: G25-079US	:	
For: MICROSPHRERES AND RELATED	:	
PROCESSES AND PHARMACEUTICAL	:	
COMPOSITIONS	:	

This decision is responsive to the "PETITION FOR REVIVAL UNDER 37 C.F.R. § 1.137(b) OF PATENT APPLICATION DESIGNATION THE U.S. ABANDONED UNINTENTIONALLY" filed 14 June 2005.

BACKGROUND

On 24 November 2003, applicants filed international application PCT/US03/37744, which claimed priority of an earlier U.S. provisional application filed 27 November 2002. Accordingly, the thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 27 May 2004.

On 14 June 2005, applicants filed the current petition along with a transmittal letter for entry into the national stage in the United States. The transmittal letter was accompanied by, *inter alia*, a petition to revive, a check for the fee for the petition to revive, a signed declaration and a check for the basic national fee. These papers were assigned Application No. 10/538,859.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional delay must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied (1) by a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," (2) by a proper reply, (3) by the petition fee required by law (37 CFR 1.17(m)), and (4) if the international filing date of the application is before June 8, 1995, any petition to

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional delay must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied (1) by a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," (2) by a proper reply, (3) by the petition fee required by law (37 CFR 1.17(m)), and (4) if the international filing date of the application is before June 8, 1995, any petition to revive under 37 CFR 1.137(b) must be accompanied by a terminal disclaimer and small entity fee of \$55

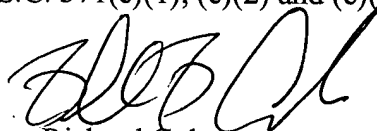
Applicants have provided the required statement, a proper reply and the petition fee. Therefore, the petition to revive is GRANTED. The requirements under 35 U.S.C. 371(c) have been satisfied.

CONCLUSION

The petition to revive the application abandoned under 35 U.S.C. 371(d) is **GRANTED** as to the National Stage in the United States of America.

This application is being forwarded to the national stage office for further processing in accordance with this decision. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **14 June 2005**.

Debra Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration



Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

Tel: (571) 272-3280
Fax: (571) 273-0459